

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:

ITO, et al.

Serial No: 10/810,728

Filed: March 26, 2004

For: Surface Acoustic Wave Apparatus
and Communications Device

**TRANSMITTAL OF
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 222313-1450

Dear Sirs:

1. The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in

PATENT
81872,0060
§ 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R.
§ 1.97(e)(2).

OR FEE

Attached is a fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. The information disclosure statement transmitted herewith is being filed *after* the period specified in § 1.97(c), but before, or simultaneously with, the payment of the issue fee. A statement specified in § 1.97(e) and a fee set forth in § 1.17(p) are included. 37 C.F.R. § 1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(1).
- OR
- that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(2).
- AND FEE**
- Attached is a fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(d). (\$180.00).
4. If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.
5. A list of 1 reference(s) is in the enclosed Form PTO-1449.

NON-ENGLISH LANGUAGE REFERENCES

- Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- The specification incorporates comments on the relevancy of Non-English language references.
- Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

'Use several sheets if necessary.'

Docket Number (Optional)	Application Number
B1872-0060	10/610,728
Applicant	ITO, et al.
Filing Date	March 26, 2004
Group Art Unit	2834

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINEE: Initial and final consideration of the above facts and figures, and no consideration of the record of his firm with respect to the communication of information to the client.